

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**STAFF SUMMARY REPORT
STAFF: Carmen Fewless
MEETING DATE: February 27, 2002**

ITEM: 7

SUBJECT: **COSENTINO WINERY, VINTAGE GRAPEVINE, INC., YOUNTVILLE, NAPA COUNTY - Complaint No. R2-2002-0003 for Administrative Civil Liability for the Unauthorized Discharge of Industrial Storm Water to Waters of the State**

DISCUSSION: The Cosentino Winery operates a commercial winemaking facility north of Yountville in Napa County. Federal and State water codes specify that facilities, such as Cosentino's, that have storm water discharges associated with industrial activities, are subject to National Pollutant Discharge Elimination System (NPDES) permit regulations and are required to submit a Notice of Intent (NOI) to comply with and obtain coverage under the State Board's NPDES General Permit to Discharge Storm Water Associated with Industrial Activity (General Permit). Cosentino did not have General Permit coverage nor comply with the General Permit, as required, during the period beginning March 30, 1992, through October 16, 1999, despite having been notified of this requirement on several occasions during this period. After Cosentino obtained General Permit coverage in October 1999, it continued to violate the General Permit by failing to prepare and implement an adequate Storm Water Pollution Prevention Plan (SWPPP) and Monitoring Program until late December 2000. Failure to obtain General Permit coverage, to comply with the General Permit, and to implement an adequate SWPPP resulted in illicit discharges of pollutants in storm water and wastewater associated with Cosentino's operations, for more than eight years, in violation of federal and State water codes. As such, Board staff issued an administrative civil liability complaint (Appendix A) to Cosentino on January 22, 2002.

Based upon considerations described within the attached staff report for this Complaint, staff recommends that civil liability be imposed for a total of \$98,000, which includes recovery of \$5,000 in staff costs. In a letter dated February 15, 2002 (Appendix B), Cosentino's agent waived its right to contest the Complaint and requested that \$80,000 of the assessed amount be applied towards developing a local Supplemental Environmental Project (SEP). Staff will work with Cosentino on implementation of an appropriate SEP.

RECOMMEND-
ATION: No action required.

File Number: 2148.4049 (CRF)
Appendices: A – Complaint Order No. R2-2002-0003
B – Letter Requesting SEP